

In re) Fair Hearing No. 20,660
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Appeal of)

The petitioner appealed a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU) denying her continuing eligibility for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner and her husband received VHAP benefits through November 30, 2006.

2. At the hearing held on January 10, 2007, the petitioner did not dispute the Department's determination that her countable income is \$1,767.70 per month (gross earnings of \$1,857.70 minus \$90 disregard for earned income). Petitioner's countable income was in excess of the 2006 VHAP maximum of \$1,657 for a household of two with no minor children¹.

¹ At the time petitioner's VHAP benefits were closed, the monthly maximum was \$1,657. As of January 1, 2007, the monthly maximum changed to \$1,712

3. The petitioner and her husband receive the Healthy Vermonters Program. They were advised to reapply for VHAP if their income falls beneath the above monthly program maximum.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP program was created by the Vermont Legislature to expand health care coverage for low income Vermonters who were uninsured or underinsured. The program regulations do not include medical need as an eligibility factor. W.A.M. § 4000. The eligibility criteria do include an income test. W.A.M. § 4001.8.

Under the VHAP regulations, all monthly earned income, except for a \$90 monthly disregard, is included as countable income for eligibility. W.A.M. § 4001.81(c) and (e). There is no dispute that as of the date of petitioner's recertification and the date of the hearing, the petitioner had countable income in excess of the maximum for eligibility for a two person household without minor children. P-2420B.

for a household of two. Petitioner is still over the program maximum but only by \$56 per month.

In conclusion, the Department's decision that petitioner is ineligible for VHAP based on her countable income should be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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